

February 12, 2005

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Office of the Secretary
Federal Communications Commission
445 12th St., SW
Suite TW-A325
Washington, D.C. 20554

Re: WC Docket No. 01-338, 03-235, 03-260 and 04-48.

This is a late comment to the FCC Grants BOC Petitions for Forbearance From Section 271 Requirements for "Broadband Elements." WC Docket Nos. 01-338, 03-235, 03-260 and 04-48.

Most of the petitions put forth before the FCC by the BOCs have been to lock out competition, in order to get an ROI on buildout. These fiber rules mean that CLECs don't have access to green fields. Unless someone overbuilds. No other way for consumers to have a choice.

And in many areas no other way for consumers to have broadband, since neither cable nor BOC want to build out to every area, especially non-affluent areas. Verizon is in fact rolling out fiber in the most affluent neighborhoods in Tampa, building out fiber right on top of DSL qualified areas. Would that money have been better spent 2 miles down the road where DSL is not available?

Private capital is not available to CLECs to build their own network. BPL is just not there yet. So municipalities have gotten it in their heads to build out their own muni fiber systems. How else to bridge the digital divide? We have waited over 5 years for the duopoly to take the mandate of broadband seriously, but all we get is lobbying, lawsuits and lies (false promises).

So, most CLECs can't overbuild. BOCs are overbuilding on their own copper facilities. What is the community to do that can't get broadband? Try to build it themselves. Like Lafayette, LA. Like Philadelphia. Like Laurinburg, NC.

LUS built a fiber ring in Lafayette. It lay dormant while LUS had to fight off Cox and BellSouth.

From the USA Today: 'Lobbying by BellSouth and Cox has forced the city to spend \$400,000 defending itself, Huval says. "They go around telling people we're spending too much, even though they're the cause of a lot of that," he fumes.'

http://www.usatoday.com/money/industries/technology/2005-01-03-fiber-cover_x.htm

And what are the BOCs complaining about muni projects for?

"Their networks were built over the course of a century using monopoly ratepayer money. Like the U.S. highways, the Bell networks have been regarded as a unique infrastructure that had to be open to others on terms that were fair."

"The loop is lit. It is making a difference for local companies and their customers. Even though not every citizen who is paying for it can use it, the consensus is that the loop is plugging Lafayette into a new realm of possibilities."

"Net3G will be able to "provide all of South Louisiana and across the country in the rural areas with high-speed broadband access to the Internet."

<http://www.timesofacadiana.com/html/8048EA37-EFB3-4178-A574-94D11CE8F8CE.shtml>

February 12, 2005

Page 2

The community and its citizens need the fiber for choice, for competitive prices, and in some cases for broadband access period.

You Don't Want Fiber (<http://www.dslreports.com/shownews/45446>) "According to BellSouth executive Bill Oliver, fiber to the home does not provide better telecom services to people - only better "transport" of information (see local report: http://www.2theadvocate.com/stories/060904/new_cox001.shtml). Both Bellsouth and Cox are busy trying to convince citizens of Lafayette, Louisiana that they don't need to develop a competing municipal broadband system in conjunction with their local utility. One Cox official went so far as to suggest a local government backed fiber system would mean local residents would be spied on by Uncle Sam."

Now, in what capacity should the FCC be involved in this battle? The BOCs got what they wanted – free FTTx. But the consumers didn't get what they needed – broadband access and choice of provider.

All I see is take, take, take from the BOCs. Take regulation away. Take access away. Take choice away. Take competition away. Make lots of money for the Baby Bells. Now the Bells are going to buy AT&T and MCI. Hoo boy! Consumers are REALLY going to get competition, choice, innovation, and better pricing when that happens! (Sarcasm in case you didn't get it).

The FCC needs to be looking at the whole picture. If you are going to keep granting every petition that the BOCs submit, then at least put conditions on it.

The conditions could be that they have to get out of the way of whoever builds an alternative network. Mandate that forbearance means spread broadband, not fight cable head-to-head in a few affluent markets.

Communities need broadband to compete globally. Consumers need choice in providers – and two is not much of a choice. Innovation comes from competition. Broadband is just transport, but it is a highway to new ideas like video conferencing, VoIP, and things we have not seen yet.

"This is much bigger than Lafayette," Lafayette Mayor Durel says. "This is about economic development for us. This is about future-proofing our city."

Regards,

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